



**DEPARTMENT OF CORRECTIONS
YOUTH COMMUNITY CORRECTIONS BUREAU
POLICY**

Policy No.: YCC 4.6.10	Subject: VIOLATION OF JUVENILE PAROLE AGREEMENT
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 3
Section 7: Release/Placement	Revision Date: 11-23-07, 10-10-08, 08-17-09, 05-24-10
Applicable ACA Standards: 2-7008, 2-7098	
Signature: /s/ Karen Duncan	Effective Date: 01-09-06
Signature: /s/ Steve Gibson	

I. POLICY:

It is the policy of the Youth Community Corrections (YCC) bureau to respond to youth parole violators in a consistent manner recognizing a declaration of purpose in Youth Court Act, public safety, victim's concerns, youth needs, and due process as the foundation for decision-making. This policy will be reviewed annually and updated as needed.

II. APPLICABILITY:

All YCC programs and facilities

III. DEFINITIONS:

Appeal - the opportunity for a youth to appeal the findings of the Hearings Officer to the Department Director or designee following the on-site hearing pursuant to [52-5-129, MCA](#).

Hearings Officer - a Regional Program Administrator or Juvenile Parole Officer II employed by Department of Corrections and who has not been directly involved in the case of the youth for whom the hearing is held.

Juvenile Parole Agreement - a document outlining conditions of parole and signed by a youth prior to release from a correctional facility or secure-care facility contracted with the State of Montana.

On-Site Hearing - a formal parole hearing conducted by a Youth Community Corrections Hearings Officer to determine if a preponderance of evidence exists on parole violations to support a revocation to a state youth correctional facility.

Parole Violation - an act or behavior of a youth, which does not comply with specific conditions of parole, outlined and signed in the written Juvenile Parole Agreement.

Report of Violation - a report written by a juvenile parole officer, pursuant to Procedure [YCC 100-4, On-site Hearing](#). (Refer to Procedure [YCC 100-6, Report of Violation](#)).

IV. BUREAU DIRECTIVES:

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A. The purpose of an on-site hearing is to determine whether by a preponderance of evidence the youth committed the parole violation and, if so, whether the parole violation is of such a nature that the youth should be returned to a youth correctional facility or a different plan should be considered.

B. On-Site Hearings and Appeals:

1. When a Juvenile Parole Officer (JPO) has investigated allegations that a youth has violated the terms of his/her parole agreement, and believes that the allegations merit parole revocation, the JPO must proceed according to [YCC 100-4 On-Site Hearing](#).
2. [YCC 100-4 On-Site Hearing](#) must comply with [52-5-129, MCA](#), [ARM 20.9.301](#), et seq., and [ARM 20.9.701](#), et seq.
3. Prior to the youth's parole being revoked, the youth must be provided the opportunity to have an on-site hearing at the site of the alleged violation or in the county in which the youth is residing or is found with ten days after notice has been served on the youth or the youth is detained, whichever is earlier. At the discretion of the hearings officer, this hearing may be held by means of interactive video transmission.
4. The youth may waive the right to an on-site hearing by filing in writing with the hearings officer the reasons why the youth wants to waive the hearing.
5. A hearings officer may not base a decision to revoke parole solely on the youth's waiver, but must review the facts of the case and make written findings. If the youth admits to all violations in the notice of violation report, the hearings officer's written report must contain the alleged violation and the basis for the youth's admission.
6. A youth may not be returned to a youth correctional facility without written findings and prior notice to the facility.
7. Pending a hearing on a violation, a youth may be detained only if his/her detention is required to protect the youth, others, property, or if the youth is at risk of absconding or being removed from the community. Procedures for taking into custody and detention pursuant to [41-5-321](#) and [41-5-349](#) MCA are applicable.

V. CLOSING:

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Questions concerning this policy should be directed to the youth community corrections bureau chief

VI. REFERENCES:

<u>2-15-112, MCA</u>	<u>Duties and Powers of Department Heads</u>
<u>41-5-102, MCA</u>	<u>Declaration of Purpose</u>
<u>41-5-321, MCA</u>	<u>Taking into Custody</u>
<u>41-5-349, MCA</u>	<u>Youth not to be Detained in Jail - Exceptions - Time Limitations</u>
<u>52-5-129, MCA</u>	<u>Hearing on Alleged Violation of Parole Agreement-right to appeal outcome</u>
<u>ARM 20.9.301</u>	<u>On-site hearing for aftercare agreement violation, initial investigation and informal settlement</u>
<u>ARM 20.9.701</u>	<u>Parole of youth from a State Youth Correctional Facility</u>

VII. ATTACHMENTS:

None